

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/GB2004/002591

International filing date (day/month/year)
18.06.2004

Priority date (day/month/year)
18.07.2003

International Patent Classification (IPC) or both national classification and IPC
B05D5/04

Applicant
EASTMAN KODAK COMPANY

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1 (a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/GB2004/002591

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/GB2004/002591

Box No. II Priority

1. ☒ The following document has not been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1,29
Inventive step (IS)	Yes: Claims	
	No: Claims	1-29
Industrial applicability (IA)	Yes: Claims	1-29
	No: Claims	

2. Citations and explanations

see separate sheet

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Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

- 1 The present application does not meet the requirements of Article 6 PCT for the following reasons.
 - 1.1 Claim 1 reads: "the coating solution comprises more than one distinct layer, simultaneously overcoated"; which does not seem to make much sense since a coating solution cannot comprise layers. Correction of the wording seems rather obvious and there seems to be ample basis in the description to support an amendment (basis should nonetheless be identified).

Similarly, the sentence on p. 2, ll. 15-16 seems to have a similar problem ("prior to coating solution...")
 - 1.2 On p. 6, l. 14, Figure 1 is said to comprise black regions, which --apart from the black lines-- is not the case.
 - 1.3 The expression in claim 1: "in a continuous roll to roll manner" is not quite clear when read in conjunction with claim 4 (patterning and coating are performed in-line) and claim 24 (coating is not necessarily carried out with a roll). First, if the method is of the "continuous roll to roll" type --construed as the substrate passing from the patterning roll to the coating roll-- it would seem that the subject matter of present claim 4 would be redundant with the one of claim 1. Second, if indeed the expression "roll to roll" means from the patterning roll to the coating roll, then it would seem that roll coating only of all the coating methods listed in claim 24 would be compatible with claim 1. If the expression "in a continuous roll to roll manner" has another meaning than the one assumed here, this is not clear from the present application.
 - 1.4 Claims 26-28 include all the features of claim 29. Hence, claims 26-28 should be reformulated as a claim dependent on claim 29, cf. Rule 6(4) PCT.
- 2 The following documents were cited in the search report:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/GB2004/002591

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- D1: EP-A-1 011 298 (SEIKO EPSON CORP) 21 June 2000 (2000-06-21)
- D2: US 2003/108725 A1 (ALEX KINNIE ET AL) 12 June 2003 (2003-06-12)
- D3: US-A-5 656 331 (KLINE RICHARD L) 12 August 1997 (1997-08-12)
- D4: EP-A-0 769 331 (FORD MOTOR CO) 23 April 1997 (1997-04-23)
- D5: US-A-4 729 310 (LOVE III FRANKLIN S) 8 March 1988 (1988-03-08)

- 3 The method proposed in claim 1 of the present application cannot be considered as novel (Article 33(2) PCT) for the following reasons.

Table 1 lists the features called for in present claim 1 which are disclosed in D1-D4.

Table 1: features called for in present claim 1 and disclosed in D1-D4

features	D1	D2	D3	D4
creating a lyophobic or lyophilic surface pattern on a substrate, leaving a pattern of lyophilic or lyophobic areas	Fig.2	c.6:60- c.14:13	claim 2	cl.12(a)
overcoating the surface pattern with a layer of coating solution, the solution withdrawing from the lyophobic regions and collecting on the lyophilic areas	[0095]	Fig.7, #50, c.14:14-52	claims 1&5	cl.12(b),(c)
the process being performed in a "continuous roll to roll manner"	Fig. 13a, cl.17	Fig.7	Example 1	--

It can be seen from Table 1 that, depending on the meaning of the expression "continuous roll to roll manner" at least D1-D3 and possibly D4 anticipate all the features called for in present claim 1, contrary to the requirements of Article 33(2) PCT.

- 4 The same arguments concerning the subject matter of present claim 1 set forth in point 3 *supra* apply *mutatis mutandis* to the subject matter of present claim 29.
- 5 The dependent claims do not seem *prima facie* to contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step.